

Zoning Text Amendment No.: 14-13
Concerning: Overlay Zone –
Design for Life
Draft No. & Date: 1 - 9/23/14
Introduced: September 30, 2014
Public Hearing:
Adopted:
Effective:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF THE
MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Council President Rice

AN AMENDMENT to the Montgomery County Zoning Ordinance that is effective October 30, 2014 to:

- allow an Overlay zone to be approved without a master plan recommendation under certain circumstances; and
- establish a Design for Life Overlay zone

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59.4.9 “Overlay Zones”
Section 59.4.9.1 “In General”

And adding the following section

Section 59.9.18 Design For Life (DFL) Overlay Zone.

EXPLANATION: *Boldface* indicates a Heading or a defined term.

Underlining indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate that text is deleted from existing law by original text amendment.

Double underline 2 indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance

Sec. 1. Division 59-4.9 is amended as follows:

Division 59-4.9. Overlay Zones

Section 4.9.1. In General

A. Intent Statement

The intent of the Overlay zones is to provide requirements and standards that are necessary to achieve the planning goals and objectives for development or redevelopment of an area. Overlay zones are created in areas of critical public interest and provide uniform comprehensive development regulations for an area.

B. Applicability

Land must only be designated within an Overlay zone when recommended by a master plan and approved by a Sectional Map Amendment, [or] when approved by a District Map Amendment, or when explicitly allowed by an Overlay zone without a master plan recommendation.

* * *

Section 4.9.16. Design for Life (DFL) Overlay Zone

A. Purpose

The purpose of the Design for Life Overlay zone is to encourage the development of universal access communities where residents, regardless of age or physical ability or disability, can reside together and where persons with disabilities are not isolated from the general population and such persons have full access to every dwelling unit and community amenity.

The Overlay zoning is intended to provide areas for the development of low to moderate density one-family residential communities in which every dwelling unit meets or exceeds the Level II Accessibility Standards established by Sections 52-18(t) and 52-18(u) of the Code.

B. Locational Requirements

1. The zone may only be mapped in areas that satisfy at least 3 of the following location standards:
 - a. Public bus service must be available on roads abutting the area within the overlay zone.
 - b. Areas within the overlay zone must be within 2 miles of a Metro Station.
 - c. Public recreation or park facilities must be within 1,000 feet of the area within the overlay zone.
 - d. A hospital must be within a 5 mile radius of the area within the overlay zone.
2. The zone may be mapped in areas designated for design for life development by a master plan or sector plan and in areas where the construction of public infrastructure has isolated the area from previously adjacent neighborhoods.
3. The zone may be mapped by a sectional map amendment when not recommended by a master plan, if:
 - a. the area is uniquely suited to meet the purpose of the zone; and
 - b. the area is located in an area where the start of a master plan amendment is scheduled more than 1 year away from the introduction of the sector plan amendment.

C. Land Uses

All uses permitted in the TMD zone are permitted in the Design for Life Overlay zone.

D. Development Standards

The density limitations, development standards, and development procedures of the Optional Method Townhouse Medium Density (TMD) zone apply to development in the Design for Life Overlay Zone. Only

buildings and structures that meet or exceed the Level II Accessibility
Standards established by Section 52-18(T) and detailed in Section 52-18(U)
of the Code are allowed.

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Sec.2. Effective Date. This ordinance becomes effective 20 days after the
date of Council adoption.

This is a correct copy of Council action

Linda M. Lauer, Clerk of the Council